

1
2
3
4
5
6
7
8
9 SUNG JIN SU,
10 Plaintiff,
11 v.
12 WORLD KUK SOOL ASSOCIATION
13 INC, et al.,
14 Defendants.

Case No. 23-cv-01570-JCS

15
16
17
18
19
20
21
22
23
24
25
26
27
28 **ORDER DENYING MOTION TO
DISMISS WITHOUT PREJUDICE**

Re: Dkt. No. 11

Defendants brought a motion to dismiss or alternatively, to transfer this action to the Southern District of Texas. Dkt. no. 11 (“Motion”). In his opposition brief (dkt. no. 18),¹ Plaintiff addressed only the request to transfer the case. However, he later filed an amended complaint (“FAC”). Dkt. no. 20. The Court finds that in light of the filing of the FAC, the Motion is moot. The Court notes that while Plaintiff appears to have assumed in his opposition brief that the transfer request would not be rendered moot by the filing of his FAC, the Court concludes that amendment of the complaint may have implications for that issue as well and therefore, that it would be improper to rule on that request where the operative complaint was filed after Defendants filed their motion. Accordingly, the Motion is DENIED without prejudice to filing a renewed motion to dismiss or transfer aimed at the FAC, which is the operative complaint.

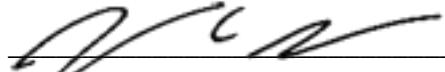
¹ Plaintiff also filed a second opposition two weeks after Defendants filed their reply. Dkt. no. 22. That brief is untimely and in violation of Civil Local Rule 7-3. Further such violations of the Court’s rules may result in sanctions, including the Court striking filings that are not in compliance with the Federal Rules of Civil Procedure, Civil Local Rules or the Court’s standing order.

1 Defendants' motion shall be filed no later than **June 23, 2023**.

2 **IT IS SO ORDERED.**

3

4 Dated: May 23, 2023

5 

6 JOSEPH C. SPERO
7 United States Magistrate Judge

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

United States District Court
Northern District of California